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Marco's Time
to file Reply
50 offical

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Marco De Los Santos,

Petitioner,

-against-

ROBERT ERCOLE, Superintendent,
Green Haven Correctional
Facility,

Defendant.

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MARK D. FOX
USM J SDNY

NOTICE OF MOTION FOR AN
ENLARGEMENT OF TIME
TO PERFECT REPLY TO
RESPONDENT'S ANSWER

007 Civ. 7569 (KMK)(MDF)

PLEASE TAKE NOTICE that, petitioner Marcos De Los Santos, moves pursuant to Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts and Rule 6(b) of the Federal Rules of Civil Procedure for an enlargement of time in which to submit a Reply and Memorandum of Law to the respondent's attorney's answer and memorandum of law dated March 12, 2008.

The motion is based upon the annexed declaration of Marcos De Los Santos. The motion will be submitted to the Court at a date and time to be set by the Court at: United States District Court, Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York 10007. Oral argument is not required.

DATED: Stormville, New York
April 1, 2008

Respectfully submitted


Marcos De Los Santos
Din # 97A544U
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-0010

TO: Honorable Mark D. Fox
United States Magistrate Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Janet DiFiore
District Attorney of Westchester County
County Courthouse
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York 10601

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Marco De Los Santos,

Petitioner,

-against-

ROBERT ERCOLE, Superintendent,
Green Haven Correctional
Facility,

Defendant.

X

DECLARATION IN SUPPORT OF
NOTICE OF MOTION FOR AN
ENLARGEMENT OF TIME
TO PERFECT REPLY TO
RESPONDENT'S ANSWER

007 Civ. 7569(KMK)(MDF)

Marcos De Los Santos, being duly sworn, deposes and says, under the pains and penalty of perjury, pursuant to 28 U.S.C. §1746, that the following allegations are true and accurate, except for those allegations made upon information and belief, which are believed to be true:

1. The petitioner, herein, Marcos De Los Santos, appears pro se.
2. This declaration is submitted in support of Mr. De Los Santos' motion pursuant to Rule 11 of the Rules Governing Section 2254 Cases in the United States District Court and Federal Rules of Civil Procedure 6(b), for an enlargement of time in which to submit a reply and memorandum of law in responds to the respondent's attorney answer and memorandum of law.
3. By an Order to Show Cause dated November 20, 2007, the Honorable Mark D. Fox (U.S. Magistrate Judge) directed the respondent to file an answer to De Los Santos' habeas petition within 90 days of the Court's Order; and petitioner was directed to file and submit a reply and memorandum of law within 60 days of receiving the respondent's answer (See Court's Order on file dated November 20, 2007).
4. Notwithstanding, petitioner is in the process of sifting through

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the minutes and conducting his legal research. But due to the fact his is a layman in the law and is only given minimal time in the law library (due to the fact the size of the population hold approximately 2,200 inmates) petitioner seeks an enlargement of time not to exceed 60 days to file his reply and memorandum of law, i.e., till on or about July 14, 2008.

5. The enlargement would enable petitioner to read the record in full, debrief respondent's appendix, the plea and sentence minutes, and the issues respondent's attorney has raised in his memorandum of law to deny De Los Santo's habeas petition in a clear and conscience fashion. In addition, the enlargement would allow De Los Santos to perfect a comprehensive and detailed memorandum of law of his own.

WHEREFORE, for the reasons stated above, De Los Santos respectfully prays that the Court will honor his motion for an enlargement of time not to exceed 60 days (till July 14, 2008) to perfect and submit his reply and memorandum of law.

DATED: Stormville, New York
April 1, 2008

Respectfully submitted,



Marcos De Los Santos
Din# 97A5440
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-0010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCO DE LO SANTOS,	:	X
Petitioner,	:	<u>CERTIFICATE OF SERVICE</u>
-against-	:	007 -CV-7569(KMK)(MDF)
Robert Ercole, Superintendent	:	
of Green Haven Correctional Facility,	:	
Defendant-Appellant,	:	X

I, Marco De Los Santos, hereby declares under the pains and penalty of perjury, pursuant to 28 U.S.C.A. §1746 that, the following is true and accurate:

1. I am over twenty-one years of age and reside at Green Haven Correctional Facility, P.O. Box 4000, Stormville, New York 12582-0010.
2. That on 1 April, 2008 I served a true copy of the ***Enlargement of Time*** upon the following parties:

Honorable Mark D. Fox
United States Magistrate Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Janet Difiore
District Attorney of Westcheter County
County Courthouse
111 Dr. Martin Luther King Jr. Blvd.
White Plans, New York 10601

by depositing true copies thereof enclosed in a postpaid wrapper in an official depository under the exclusive control of the U.S. Postal Services within the Green Haven Correctional Facility, as due and sufficient services.

EXECUTED: Stormville, New York
 1 April, 2008



Marco De Los Santos
Din # 97 A 5440
Petitioner
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-0010